

Alternative Approval Process: A Guide for Local Governments in British Columbia

Ministry of Community, Sport and Cultural Development



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Key Contacts

Ministry of Community, Sport and Cultural Development

Contact the Ministry of Community, Sport and Cultural Development (Ministry) for answers to questions about the material contained in this guide or other aspects of the Alternative Approval Process in British Columbia.

Ministry of Community, Sport and Cultural Development
Governance and Structure Branch
Advisory Services
PO Box 9839 Stn. Prov. Govt.
Victoria, B.C. V8W 9T1
Phone: 250 387-4020
Website: www.cscd.gov.bc.ca/lgd/contacts/department.htm

Enquiry BC

Contact Enquiry BC for answers to questions about Provincial Government programs and services.

Enquiry BC

In Victoria call: 250 387-6121
In Vancouver call: 604 660-2421
Elsewhere in B.C. call: 1 800 663-7867
Outside B.C. call: 604 660-2421
Email address: EnquiryBC@gov.bc.ca
Hours of Operation: 7:30 a.m. to 5:00 p.m., Monday to Friday

Municipal and Regional District Information

Contact CivicInfoBC for local government election statistics and results and local government mailing addresses, telephone numbers, email addresses and websites.

CivicInfoBC

Phone: 250 383-4898
Email address: info@civicinfo.bc.ca
Website: <http://www.civicinfo.bc.ca/directories>

Other Resources

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force.

Electronic versions of the *Community Charter*, the *Local Government Act*, the *Vancouver Charter* and the *School Act* are available on the BC Laws website at: <http://www.bclaws.ca/>

NOTE: The Province of British Columbia does not warrant the accuracy or the completeness of the electronic version of the [Statutes and Regulations](#) available online at BC Laws.

Legislation

Printed versions of local government elections legislation including the *Community Charter*, the *Local Elections Campaign Financing Act*, *Local Government Act*, the *Offence Act*, the *School Act* and the *Vancouver Charter* are available at public libraries in communities throughout British Columbia. Printed versions of the Acts are also available from Crown Publications, Queens Printer for British Columbia at:

Crown Publications Inc.

563 Superior Street
Victoria, BC V8V 1T7
Phone: 250 387-6409
Fax: 250 387-1120
Toll Free: 1 800 663-6105
E-mail address: crownpub@gov.bc.ca
Website: <http://www.crownpub.bc.ca/>

Disclaimer

The information contained in the *Alternative Approvals Process: A Guide for Local Governments in B.C.* (guide) is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation.

Please refer directly to the latest consolidation of provincial statutes at BC Laws (www.bclaws.ca) for specific election-related provisions and requirements within *Community Charter*, the *Local Elections Campaign Financing Act*, *Local Government Act*, the *Offence Act*, the *School Act* and the *Vancouver Charter*.

Purpose

In British Columbia, **local governments** (municipalities and regional districts) have a number of roles. Among those roles, local governments serve as a political forum through which citizens and the local community can express their collective vision; and, as a means of providing desired local services and programs to citizens.

The *Alternative Approvals Process: A Guide for Local Governments in B.C* (guide) was designed to be a resource primarily for local government staff and elected officials when making decisions related to, or administering, an Alternative Approval Process (AAP). The information may also be of interest to others who wish to better understand the process and the factors local governments consider when they choose to undertake an AAP.

Information contained in the guide is generally focussed on the concepts and process, provincial legislation, and issues local governments may wish to consider when planning for and implementing an AAP relative to long-term borrowing, establishing new services, entering into partnering agreements, disposing of parkland, seeking a boundary extension and other matters. However, the information and considerations presented in the guide generally apply to any of the 13 matters in which local governments may use an AAP to secure elector approval (see p 5).

Sample documents that can be used by local governments to administer an AAP are also contained in the guide.

Terms in **boldface** font are explained in the Glossary.

Introduction

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families, and the business community – municipal councils and regional district boards influence jobs, create safe communities for British Columbians and shape the long-term vision for their community as a whole.

Citizens can be involved in **local government** decision-making both formally and informally. Local governments (**municipalities** and **regional districts**) may involve citizens by undertaking non-binding surveys, establishing advisory committees or by holding community open houses or public information-sharing sessions to gauge public opinion to inform their governance, policy direction and decision-making processes.

These *informal* communication opportunities can assist **municipal councils** and **regional district boards** to better understand citizens' views or perceptions about a specific matter or **bylaw** – they can also serve as a way of first introducing a proposed or new initiative (e.g. providing a new 911 emergency service) to the community.

Elector Approval

Approval of the electors under the *Community Charter* or the *Local Government Act* in relation to a proposed bylaw, agreement or other matter which may be obtained directly by assent voting (elector assent) or by conducting an AAP.

Elector Assent

Assent of the electors under the *Community Charter* or the *Local Government Act* in relation to a proposed bylaw, agreement or other matter may be obtained by assent voting.

Citizens can also influence the decisions made by their locally elected officials through a variety of *formal* means including: voting in general local elections; by-elections; attending open council and regional district board meetings; or, by attending public hearings held in relation to land-use matters such as when property is rezoned or an official community plan is being updated.

While there are both *informal* and *formal* means of communication between citizens and their council or regional district board, there are also instances where provincial legislation *requires* local governments to directly consult citizens in its decision-making.

Many of these decisions must be enacted by **bylaws** that have been discussed and approved by elected officials in meetings open to the general public. There are many types of bylaws (e.g. noise, animal control, meeting procedure, sign, and election procedure) used by local governments in their day-to-day business operations. Generally the municipal council or regional district board will conduct three readings of the bylaw, adopt the bylaw and then enforce the bylaw as required.

For certain matters local governments are required to obtain **elector approval** from eligible **electors** before municipal council or the regional district board can proceed with its decision – such as

requesting the Province to expand a municipal boundary, undertake long-term capital borrowing required to build a new recreation centre or, or to establish a new regional district service (e.g. recycling pick-up) for its citizens – *before* adopting the bylaw.

Local governments can obtain the required elector approval through **assent voting** (previously called *other voting* or *referendum*) or, the Alternative Approval Process (AAP). In some specific cases a local government can secure authority to proceed through a petition process or other manner in which consent is secured from property owners. See Schedule A: *Local Government Decisions Requiring Elector Approval (Elector Assent)*.

Petition Process
 An approval process for owners of parcel(s) of land to enter into or establish a local area service in all or part of an electoral area or in a municipality as a local area service

Local governments often face the challenging decision whether to seek elector approval by first holding an AAP, accepting the risk that if successful they would then be faced with proceeding to an assent vote, or simply proceeding directly to **assent voting** at the outset.

AAPs help local governments better understand whether or not the community views a particular matter, such as disposing of parkland or a long-term heritage property tax exemption, as "significant" and if the matter then warrants being taken to an assent vote for broader citizen engagement.

Assent Voting vs. AAP: Key Attributes		
Attribute	Assent Voting	AAP
Administration	<ul style="list-style-type: none"> Chief Election Officer (CEO) Administered as a vote under election-like rules 	<ul style="list-style-type: none"> Corporate Officer (CAO/CO) Administered as a petition-like process
Elector Eligibility	<ul style="list-style-type: none"> Resident electors and non-resident property owners living within the area for which the vote is being held 	<ul style="list-style-type: none"> Resident electors and non-resident property owners living within the area for which the AAP is being held
Geographic Area	<ul style="list-style-type: none"> Conducted on a municipal or regional district-wide basis Within an area smaller than the municipal or regional district boundary (e.g. a portion of an electoral area) Within one (or between more than one) regional district electoral area Between multiple jurisdictions 	<ul style="list-style-type: none"> Conducted on a municipal or regional district-wide basis Within an area smaller than the municipal or regional district boundary (e.g. a portion of an electoral area) Within one (or between more than one) regional district electoral area Between multiple jurisdictions
Notice	<ul style="list-style-type: none"> Notice must be published in a locally circulated newspaper once a week for two consecutive weeks 	<ul style="list-style-type: none"> Notice must be published in a locally circulated newspaper once a week for two consecutive weeks
Timing	<ul style="list-style-type: none"> Generally an 80 day process Vote must be conducted within 80 days following the deadline established in a AAP in which 10% or more the electors signed a response form; or, 80 days after Inspector of Municipalities approval of the bylaw 	<ul style="list-style-type: none"> Can be as short as 32 days AAP must allow for a minimum 30-day period in which response forms can be submitted*
Threshold	<ul style="list-style-type: none"> Majority rules (50% + 1) 	<ul style="list-style-type: none"> 10% threshold
Voting Opportunities	<ul style="list-style-type: none"> Special and advance voting General voting day Mail in ballot (if allowed by bylaw) 	<ul style="list-style-type: none"> Electors have at least 30 days to sign and then submit an elector response form

*Interpretation Act, s. 25

When 10% or more of eligible **electors** sign and submit an elector response form during an AAP, then the issue would be considered significant. At this point a local government has two choices – to proceed to elector assent or to put the matter on hold and provide alternatives for the local government to consider. When a local government has decided to proceed with the initiative – it would then be required to hold an assent vote in relation to the proposed bylaw.

Significant initiatives, such as borrowing for a sewage treatment plant or to build a new library, may still proceed following an AAP where the electorate was satisfied (e.g. less than 10% of eligible electors submitted response forms) with the direction proposed in the local government bylaw.

History of AAPs in British Columbia

The authority for local governments to choose how to obtain elector approval in order to borrow for capital projects and to provide new services is not new. Municipalities have been required to hold a vote to obtain elector approval for loan authorization bylaws since 1873.



In 1962, the “counter-petition process” was introduced so municipalities could test the waters with their citizens in an effort to streamline and reduce the cost associated with the borrowing process. When 10% or more of eligible electors “voted” against the borrowing bylaw, municipalities had to then hold a vote in order to proceed with the bylaw. If fewer

than 10% of the electors were against the bylaw, municipalities could adopt the bylaw and proceed with the matter without holding a vote.

The counter-petition threshold was lowered from 10% to 5% in 1968. In 2003, the counter-petition process was replaced by the alternative approval process under the *Community Charter* and the threshold was returned to 10%. The counter-petition terminology was also changed to *alternative approval process* to signify electors' desire for increased public engagement for those matters considered "significant" to the community. The AAP did not change the principles of transparency, neutrality, engagement and stewardship of the public trust that underpinned the counter-petition process. Over the years the authority for how local governments could use AAPs has expanded and the threshold has increased; however, the underlying principles have remained in place.

What is an AAP? [CC, section 86]

An AAP enables local governments to directly engage citizens about a proposed bylaw intended to undertake **long-term borrowing**, a boundary extension, establish a new regional district service or other matter requiring elector approval.

The legislation identifies 13 circumstances where the elector approval *may* be obtained by AAP. In each case, **municipal councils** and **regional district boards** also have the option of holding community-wide assent voting instead of an AAP. See Schedule B: *Local Government Decisions or Actions that can be Conducted by AAP (Quick Reference Table)*.

Eligible electors have at least 30 days from the publication of the second notice to submit **elector response forms** to the local government **Corporate Officer** during an AAP. When 10% or more of the eligible electors sign and submit response forms, the local government cannot proceed with the matter proposed in the bylaw without first holding an assent vote.

When to Use an AAP

There are a number of factors local governments would need to consider when deciding to conduct an AAP rather than proceeding directly to **assent voting**.

Accessibility & Convenience

In some communities, electors may prefer an AAP because they have at least 30 days to express their opinion and submit their response forms – rather than being limited to appearing in person on two or three designated days or having only the two required opportunities (advance voting and general voting day) to cast a **ballot** during assent voting.

AAPs also offer increased convenience over assent voting in the manner in which eligible electors are able to communicate their views: by signing a petition-style form; dropping off a response form at city hall; or, gathering signed response forms from other eligible electors and submitting them to the Corporate Officer for those electors who are unable to do so in person.

History

The community's history or experience with a particular project or type of proposal may influence how local governments approach receiving elector approval.

When citizens have had experiences with a construction project (e.g. sewer infrastructure upgrade or a new municipal hall), borrowing (e.g. for a new library or fire truck), or have received new regional district services (e.g. fire protection or 911 emergency) in the past, an AAP may be the preferred option – assuming the proposed matter is relatively similar and not a new direction undertaken by council or the regional district board.

Where a project or proposal varies from what the community might consider a routine matter (e.g. boundary extension or change in municipal classification), proceeding directly to **assent voting** may be more appropriate than first conducting an AAP and then holding an assent vote if the AAP were to be successful.

Scale

The scale of the proposal may have bearing on a local government's decision to hold an AAP or conduct assent voting. Since the AAP is intended to test the waters around the council or regional district board's decision to proceed with a particular bylaw, they would want to consider whether or not the matter would be viewed as significant or "sizable" in cost, scale or scope from the community's point of view.



Scale may not only apply to the costs to service debt for new sewer infrastructure or the capital cost to convert public works fleet to hybrid vehicles; scale may also have bearing on other factors local governments need to weigh when considering an AAP.

AAPs can be used for:

1. Boundary extension
2. Change municipal classification
3. Disposal of certain utilities other than water or sewage system
4. Exchange or other disposal of park land
5. Grant a franchise
6. Heritage property tax exemption lasting one to ten years
7. Liabilities under agreement (including P3s)
8. Loan authorization bylaw
9. Regional district service area establishment bylaws
10. Remove reservation or dedication of land (park, public square or heritage)
11. Riparian property tax exemption lasting one to ten years
12. Sale or lease of forest reserve
13. Unexpended funds

For example, determining how large of a geographic area within the municipality and/or regional district **electoral area** – or how many residents would be affected, and what the impact of the project (e.g. traffic delays, noise, or water shut-off) on the day-to-day lives of citizens would be – may also help to inform the council or regional district board decision to conduct assent voting or hold an AAP. Although a project or proposal may not be significant in terms of cost, it may represent a substantial disruption in the community and therefore be better suited to assent voting instead of an AAP.

Cost

Conducting an AAP is generally less expensive than assent voting. A local government may incur a wide range of up-front costs for assent voting, including:

- advertising;
- printing ballots;
- rental charges for voting places at advance, special and general voting opportunities;
- purchasing voting materials and supplies;
- wages for election officials at advance, special and general voting opportunities;
- election official travel/accommodation expenses (when voting places are geographically remote; and,
- rental fees for voting machines to tally the ballots on general voting day.

An advantage to local governments holding an AAP is that it allows the opinion of the public to be obtained at a lower short-term cost than by conducting assent voting. AAP costs generally include the two notices that must be published in a locally circulated newspaper and printing the elector response forms. Also, fewer staff resources are generally needed to conduct an AAP.

While the *initial* cost to conduct an AAP may be less than assent voting, local governments may face the costs involved in conducting both an AAP *and* assent voting when 10% or more of eligible electors sign and submit response forms during an AAP. An AAP may be the least costly method to gain elector approval of the bylaw if the matter (e.g. drinking water treatment) is seen to be in the public interest and is not contentious.

If the proposal is contentious, or it seems likely that 10% or more of the electorate may sign response forms, local governments may decide to proceed directly to assent voting to reduce the overall time and costs involved in securing elector approval.

User-Pay-User-Say:

Underlying the local government system in British Columbia is the principle of “User-pay-User-say”. Generally those who pay for, use, benefit from or are affected by a proposed initiative (e.g. building new roads) or those who will receive a new service (e.g. rural fire protection) have a say in whether the council or the regional district board can proceed with the matter.

Public Expectations

How the AAP will be *received* by the **electors** is another consideration for local governments.

Public perception about the matter proposed in the bylaw during the discussions leading to the bylaw’s required three readings and feedback received during the public engagement process (e.g. is there general support; or is it a controversial decision) may inform the council or regional district board’s decision to hold an AAP or proceed directly to assent voting.

When the public has been actively engaged and there are reasonable indications that citizens are in favour, the proposal may lend itself better to an AAP rather than to assent voting.

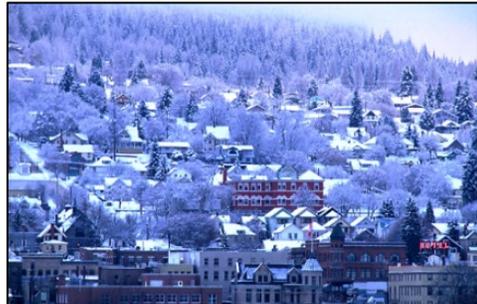
Understanding public expectations of the extent to which citizens will “have a say” about a particular matter can help local governments choose whether to undertake an AAP or proceed directly to an assent vote in order to obtain elector approval. Local governments may also consider arranging public consultation processes or hold open houses and forums about the proposal in advance of the AAP to help electors make an informed choice about the matter when it comes time to decide whether or not to sign and submit an elector response form.

Timing

Council and regional district board decisions about when to hold an AAP can be influenced by a number of factors – including the time of year (holiday seasons) or an upcoming **by-election** or **general local election**. Timing can have a direct impact on the outcome of an AAP.

The decision to hold an AAP when many electors are absent during the summer months or other holiday season could result in an artificially low response rate that falls well short of the required 10%.

Electors may be concerned that the timing did not provide a reasonable opportunity to sign and submit elector response forms and they were in effect disenfranchised from the democratic process. Therefore, local governments may consider establishing a longer than 30 day timeframe for an AAP when it is held during a holiday season or time when a high percentage of the electorate are absent from the community.



Timing an AAP to coincide with a general local election or with a by-election can have its advantages. Planning the AAP to conclude prior to the appointment of the Chief Election Officer for a by-election or general local election would provide the local government with the opportunity to proceed to an assent vote in a timely manner if needed. If 10% or more of the electors signed forms during the AAP and the local government decided to proceed to assent voting, the vote could then be scheduled to coincide with the general local election or by-election. Pairing an assent voting question with a by-election or during a general local election can save staff time and resources rather than conducting a separate **vote**.

When 10% or more of electors sign an elector response form during an AAP and council or the regional district board has decided to proceed to hold an assent vote, the vote must be held within **80 days** of the deadline established for the AAP.

An AAP may be the best approach when local governments are facing seasonal construction or borrowing deadlines. A project that must be completed due to rapidly failing infrastructure may also lead local governments to hold an AAP instead of assent voting to obtain elector approval.

Councils and regional district boards must weigh the various considerations associated with a given project or proposal and determine whether or not an AAP is the best process for achieving elector approval. Local governments that gauge the community’s interest and support for a particular matter or decision incorrectly by holding an AAP may find much more public engagement and additional costs are required, than if assent voting was held at the outset.

Planning for an AAP

Local governments must plan and prepare for a number of factors (e.g. information-sharing, general timing, determining the number of eligible electors, notices and type of response forms to use) and make certain decisions in order to successfully implement an AAP. All of the elements are best considered collectively to identify the implications or impacts one may have on another, rather than working through each element or decision in isolation.

Information-sharing vs. “Promotion” by Council

Transparency and stewardship of the public trust are key principles that underpin the legislative requirements of the AAP. Active citizen engagement and information-sharing are critical to ensuring a fair and balanced AAP, and that the public has a reasonable opportunity to indicate their views on the matter (e.g. purchase of parkland) set out in the proposed bylaw.

Local governments may advertise and communicate information about the matter proposed in the bylaw in any manner they see fit, including: placing radio and newspaper ads; writing internet articles; or, posting notices throughout the community. Although information-sharing and advertising are permitted, councils and regional district boards would need to give consideration to the public perception around expending public funds and staff resources to promote a particular viewpoint during an AAP. The general public, or those who may not otherwise support the project or proposal, do not have the same access to funds or avenues to promote their viewpoint as those available to municipal councils and regional district boards.

Councils and regional district boards that engage in promotional activities that are seen as biased, will likely face questions from the public about whether or not the AAP process was fair. Local governments' role is to provide accurate and balanced information about an initiative so that eligible electors can make an informed decision about whether or not to sign a response form.

Key Considerations:

- How might the public perceive the AAP process? Has the local government managed the process in a transparent neutral manner or has it influenced the process and possibly the result?
- Have the full costs of the proposed bylaw/project been shared openly (e.g. have capital and/or reserve funds intended to be used in addition to those being borrowed been disclosed)?
- Has the AAP question or statement been phrased so as to be clear to those signing the form?
- Did the local government share enough information about the proposal to help eligible electors make an informed decision?
- Has the local government used public monies, staff time and other resources judiciously?

Staff Report to Elected Officials

A report to municipal council or the regional district board that describes the plan for conducting the AAP is not required by legislation. However, in many instances staff provide a report that describes key information about the proposed elector approval process to ensure the elected officials fully understand the implications of using an AAP to obtain approval. The report also provides the staff with an opportunity to plan the process to conduct the potential AAP.

Generally staff reports provide the background, analysis and rationale for the recommendation that council or the regional district board choose the AAP over assent voting. The staff report can also give consideration and recommendations related to the geographic area of the AAP, an estimate of the number of eligible electors, include a draft elector response form, and the draft bylaw itself.

Defining the Geographic Area

The subject matter (e.g. establishing a sewer system service) set out in the local government bylaw will in part define the geographic area for an AAP. The AAP must be conducted for the geographic area that includes those citizens who would be impacted by, benefit from, or be required to pay for the matter set out in the bylaw (e.g. purchasing municipal parkland, borrowing for a recreation centre, water treatment facility or constructing roads). The boundary for the AAP would then be aligned with that affected area.



Only those eligible electors within the area defined for the AAP would be entitled to sign an elector response form during the AAP. Local governments can conduct an AAP:

- on a municipal or regional district-wide basis;
- within an area smaller than the municipal or regional district electoral area boundary;
- within one (or between more than one) regional district electoral areas; or,
- between multiple jurisdictions (e.g. municipalities and regional district electoral areas).

Boundary Extensions

In the case of a municipal boundary extension, council seeks approval from all of its electors. Therefore the geographic area defined for the AAP will always include the entire municipality.

The views of the property owners in the area of extension are collected under a separate process.

(See [Municipal Boundary Extension Process Guide](#))

Each council or regional district board must determine which citizens are affected or directly or indirectly benefit from the project or initiative (e.g. water system upgrade, public transit service or new civic centre) proposed in the bylaw and therefore how widely within the community to seek elector approval.

Clearly defining the geographic area at the outset of the proposed matter would assist elected officials and electors to better understand who benefits, or could benefit, from the service, loan authorization or construction project contemplated in the proposed bylaw. Outlining the service area (AAP boundary) can also help electors understand why they may, or may not, be eligible to sign an elector response form during an AAP.

Estimating the Number of Electors [CC, section 86(3)]

Estimating the number of electors is a key step for local governments early in the AAP planning process. This information helps to determine the number of elector response forms to be printed, and enables the **Corporate Officer** to determine if more than 10% of the electors signed and submitted the elector response form after the AAP deadline has passed.

The *Community Charter* requires municipal councils and regional district boards to make a fair determination of the total number of eligible electors of the area to which the AAP applies. This figure forms the basis of the 10% threshold.

Councils and regional district boards must make available to the public, upon request, a report that sets out how the total number of eligible electors was determined. Corporate Officers prepare reports for their councils or regional district boards that include the estimates and methodology used to determine the number of eligible electors. The calculations must take into account the specific geographic area to which the AAP applies. [CC, section 86(4)]

If the area defined by the local government for the AAP was the entire municipality or regional district, then every eligible **resident elector** and **non-resident property elector** can then sign an elector response form. If the defined area for the AAP applies to just a portion of the municipality or regional district, then only those eligible electors within that defined area would be entitled to participate. See Schedule C – *Sample Report for Determining Number of Eligible Electors*.

There are a number of resources that local governments may draw upon to help estimate the number of eligible electors, including: local government voter lists; the provincial voters list; local government utility records; or, property tax notices.

<p>Local Government Voters List [LGA, section 54]</p> <p>Many local governments maintain their own voters list for general local elections and by-elections. These lists can serve as a starting point for estimating the number of resident and non-resident property electors who may be eligible to participate in an AAP. However, the list may need updating to reflect population changes since the last general local election.</p>	<p>Provincial Voters List [LGA, section 59]</p> <p>Local governments may request the voters list from Elections BC for use in an AAP. The provincial voters list does not include non-resident property electors who may be eligible to participate in an AAP. The list may also not accurately reflect population changes as residents may have moved in or out of the community, died, or are no longer qualified to vote since the last provincial election.</p>	<p>Local Government Records</p> <p>Local government records are a resource that can be used to estimate the number of eligible electors for an AAP. Where the local government provides water or sewer services, property owners' names and addresses appear on the billing information and this information could form the basis of a list of eligible electors. Property tax notices may also prove useful in assisting a local government to determine the number of eligible electors in an AAP.</p>
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Other Population Information Sources:

- *BC Assessment* – maintains assessment rolls for each municipality. Regional districts may access the tax notice information maintained by BC Assessment for each service area the regional district has established.
- *BC Stats* – maintains population, immigration, population and demographic data.
- *Elections Canada* – maintains the National Register of Electors database of electors qualified to vote in federal elections.

Elector Eligibility [CC, section 86(2)(e)(iii) and section 86(5); LGA, section 161(1)(a)]

Both eligible **resident electors** and eligible **non-resident property electors** can participate in an AAP. An **elector** is eligible to participate in an AAP when they meet the qualifications set out in section 161(1)(a) of the *Local Government Act*.

Resident Elector

When signing an elector response form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law. [CC, section 86(2)(e)(iii) and section 86(5); LGA, section 50]

Non-resident Property Elector

When signing an elector response form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law. [CC, section 86(2)(e)(iii) and section 86(5); LGA, section 51]

Only one owner can sign the elector response form when a property is owned by more than one registered owner. That owner must have the written consent of a majority of the other property owner(s) to sign the response form. Where such property is owned in whole or in part by a corporation, no one is eligible to sign the response form. [LGA, section 51(6)]

Resident and non-resident property electors must live or own property within the boundary of the area defined for the AAP by the local government.

Determining Information Needs (e.g. Public Notice)

The publication requirements (e.g. required number of notices and their content) that local governments must follow when conducting an AAP are established in legislation. Local governments must publish a notice once each week for two consecutive weeks in a newspaper distributed in the area defined for the AAP and post the notice in a public place. [CC section 86 and 94, LGA 801.3]

In addition to the required notices and content required by legislation, local governments may wish to consider what other information the public would be interested in when determining how to best inform and engage their citizens. For example, clear information about the total costs to fund new road construction, not just those monies that would be borrowed, illustrates transparency and openness that would likely be well received by the community.

Good public process ensures that the electorate has a thorough understanding of the matter proposed in the bylaw or initiative, total project costs, affected area, timeframes, eligibility requirements, how the number of eligible electors and 10% threshold was determined, as well as the costs of conducting the AAP.

Elector Response Forms

Eligible electors sign and submit elector response forms to local government **Corporate Officers** during an AAP to indicate their view that the council or regional district board may not proceed with the proposed bylaw unless it is *approved* by **assent voting**.

An elector response form is not considered the same as the **ballot** used in a **general local election, by-election** or in assent voting; however, the Corporate Officer has a duty to keep the forms secure throughout the AAP.

The forms can either be a single-response format that can be signed by an individual elector or a longer petition-style form that can be signed by multiple electors. Elector response forms are subject to retention and destruction provisions outlined in the *Freedom of Information and Protection of Privacy Act* because they contain personal information. [FIPPA, Part 3]

Local governments need to consider how the question or statement on the elector response forms is written. The statement or question must be clear so electors understand they are expressing their opinion about whether assent voting must be held with respect to the matter proposed by the local government.

Drafting the Bylaw

Once municipal council or the regional district board have decided to undertake a matter they believe to be in the community's interest (e.g. garbage collection), local government staff will prepare the draft bylaw for the council or regional district board's consideration. These bylaws generally include standard clauses, such as enactment and readings, and may also include a map that defines the affected area.

The draft bylaw is often accompanied with a report that sets out, depending on the nature of the matter set out in the draft bylaw, the options to obtain elector approval and/or a statement of how elector assent required under the *Local Government Act* or *Community Charter* would be attained. See Schedule D – *Process Documents and Sample Bylaws*.

Implementing an AAP

Once council or the regional district board have decided an AAP is the best approach, staff can begin to: develop a detailed timeline that addresses legislative requirements (such as the timing and content of the required notices); submit the bylaw for the **Inspector of Municipalities** (Inspector) approval if required; hold open houses and/or public awareness initiatives; develop the elector response forms; and, prepare for accepting responses.

Developing a Detailed Timeline

Local governments need to carefully consider the timelines associated with holding an AAP. The legislative requirements for the entire AAP process and the specific public notice requirements as well as the sequencing with other events, such as an upcoming by-election or general local election

Boundary Extensions

For a municipal boundary extension, elector approval comes *before* council passes a resolution requesting the Province to amend the boundary.

need to be considered when detailed timelines are developed for an AAP. The timeline would also need to be developed within the larger context of the time of year, seasonal holidays, construction schedules or other factors that may have bearing on the AAP outcome or the local government's ability to implement (e.g. borrow funds, procure needed materials, or retain specialized service providers) the matter set out in the bylaw.

Certain bylaws (e.g. loan authorization or regional district service establishment bylaws) require approval by the Inspector prior to the local government obtaining elector approval. Local governments would therefore need to account for that approval period when setting out the timeline for the AAP.

Local governments also need to consider other factors, such as the time required to hold information-sharing sessions or other outreach initiatives that may lengthen the AAP timeline and result in adjustments to the overall timeframe beyond the required minimum 30 days.

Municipal councils and regional district boards are required to establish the time period during which electors may submit the elector response forms. The time period must be at least 30 days following the day on which the second required notice was published. In certain cases, local governments may determine that a period longer than 30 days is warranted (e.g. 45 days) to accommodate local circumstances. However, the total length of time for the AAP *must* be established at the outset of the AAP – the deadline cannot be extended after the first notice has been published.

The deadline for eligible electors to submit their forms cannot be extended once the required notices have been published.

Local governments need to consider the publication dates for the required notices. The second notice determines the deadline for receiving elector response forms at the conclusion of the AAP.

Under the *Interpretation Act* rules for counting time, the day the second notice is published and the deadline date itself *do not count* as part of the 30 day period minimum requirement; an AAP can therefore not be completed in less than 32 days. Statutory holidays and weekends are included in the 30 day count. The deadline must be extended to the next business day when the deadline day falls on a statutory holiday or weekend.

May 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28 First Notice Published; Forms Available	29	30	1	2
3	4 Second Notice Published	5 30-day Period Begins	6	7	8	9
	1	2	3	4	5	6
10	11	12	13	14	15	16
7	8	9	10	11	12	13
17	18	19	20	21	22	23
14	15	16	17	18	19	20
24	25	26	27	28	29	30
21	22	23	24	25	26	27
31	1	2	3 Deadline Date	4 Earliest Day to Certify Results	5	6
28	29	30	31	32		

Submitting the Bylaw for Statutory Approval [CC, section 135]

Certain bylaws (e.g. loan authorization and regional district service establishment bylaws) require **Inspector** approval. Other matters, such as municipal boundary extensions, may require Cabinet or approval by the Minister. For bylaw-matters, local governments must:

- conduct three readings of the bylaw;
- submit certified copies of the bylaw at third reading and other relevant background information (e.g. staff report or financial material) to the Inspector for approval before proceeding to an AAP; and,

- direct the **Corporate Officer** to undertake an AAP to determine the opinion of the electors. See Schedule E – *Sample Municipal Council/Regional District Board Resolution*.

Local governments may only conduct an AAP after the bylaw has received third-reading by council or the regional district board, and Inspector, or other **statutory approval**, has been obtained.

The bylaw can only be adopted when elector approval has been obtained by either AAP or assent voting. When a council decides to proceed with the matter and 10% or more of the electors signed a response form during the AAP, then it must hold an assent vote to obtain elector approval.

Approval by the Inspector of Municipalities or other relevant statutory authority must be obtained prior to a local government proceeding to AAP. A certified copy of the adopted bylaw must be filed with the Ministry.

Steps to Boundary Extension Statutory Approval

1. **Consultation and Proposal Development:** this starts with a resolution from council and includes requesting feedback from the affected property owners, the regional district, other service providers, and neighbouring First Nations.
2. **Ministry Review:** the Ministry reviews documentation describing the municipal referral and consultation process, conducts its own additional referrals and analysis, and confirms that the preliminary proposal is adequate for elector approval or identifies modifications that are needed.
3. **Elector Approval and Formal Request:** the approval of the electors is then sought by the municipality, in order for council to secure the authority to make a formal request for the boundary change.
4. **Provincial Approval:** the Minister and Cabinet then decide whether or not to legally change the boundary.

Designing Elector Response Forms [CC, section 86(3)(b)]

Local governments are required to develop the elector response forms that are to be signed and submitted by eligible electors to the Corporate Officer during the AAP. Local governments need to give consideration to the format and legislated content of the form, as well as a means of ensuring the forms are readily available and easily accessible to eligible electors during the AAP.

Format [CC, section 86(3)(b)]

The elector response form can be designed as a single form to be signed by an individual elector or as a longer petition-style form that can be signed by multiple electors. Once the council or regional district board has decided (generally set out by resolution) to use the individual form or the petition-style form, that form must then be used exclusively during the AAP. See Schedule F – *Sample Elector Response Form (Single)* and Schedule G – *Sample Elector Response Form (Multiple)*.

Elector response forms are not subject to the same legislative confidentiality and security provisions as a **ballot** issued for a **general local election, by-election or assent voting**. Local governments need to carefully weigh the implications of choosing the petition-style form – where electors can see the names and addresses of other electors who signed the form – over the individual form which generally ensures a higher level of confidentiality. Eligible electors may need to be informed that their personal information may be seen by others in the community when local governments use the petition-style form during an AAP.

Content [CC, section 86(7)]

The elector response form must contain sufficient information to ensure that the person signing is an eligible elector entitled to participate in the AAP. The form must capture, the:

- elector’s full name;
- elector’s residential address; and,
- address of the property if the elector is a non-resident property elector.

The elector response form must include a clear description about the nature of the proposal so that electors understand enough about the matter to make an informed response. The response form must also clearly state that if at least 10% of the eligible electors within the area defined in the AAP submit responses, that the municipal council or the regional district board *may not proceed* with the matter *unless* elector approval is obtained by assent voting.

When the AAP proposal is complex and affects a sub-area of the municipality or regional district electoral area, the local government may decide to include a map of the area defined for the AAP on the response form. See Schedule H – *Sample Information Sheet*.

Sample Statements:
Good: “I am opposed to the [name of local government] adopting *Water System Improvement Loan Authorization Bylaw No. 123*”.
VS
Better: “By completing this elector response form I oppose the municipal council’s/regional district board’s intention to adopt *Water System Improvement Loan Authorization Bylaw No. 123* (which authorizes the borrowing of up to \$10 million to be repaid over a period not exceeding 20 years in order to finance the costs of constructing a water treatment facility) unless a vote is held.”

Availability [CC, section 86(3)(b)(ii)]

Elector response forms must be available during regular business hours at local government offices from the day on which the first notice of the AAP was published until the deadline established for the forms to be submitted to the Corporate Officer. Local governments can also make the forms available on its website and/or in public places throughout the community (e.g. public library, recreation or community centre).



There is no requirement that an individual requesting a response form from the local government be an eligible elector. Anyone can request an elector response form(s) on behalf of other eligible **resident electors** or **non-resident property electors**.

Accurate copies (e.g. a photocopy) of the blank elector response form can also be made for eligible electors to submit to the local government Corporate Officer.

Providing Notice [CC, section 86(2), section 94(2) and LGA 801.3(2)]

There are legislated requirements that local governments must meet to correctly provide public notice of an upcoming AAP. Local governments may also consider taking *additional* steps (e.g. its

website) to make the notices more widely available to ensure the electorate is as aware of the AAP as soon as practicably possible.

Publication Requirements

Local governments are required to publish notice of an AAP once each week for two consecutive weeks in a newspaper distributed in the area defined for the AAP.

A newspaper is considered to be a local publication or periodical published at least once a week, containing news and advertising.

The notice may be published in one locally circulated newspaper on two separate occasions or in more than one newspaper on two separation occasions. The notices do not have to be published on the same day of the week – the first notice could be published on the Friday of the first week and the second notice published on the Wednesday of the following week. [CC, section 94(2)] See Schedule I – *Sample Public Notice*.

The notice must also be published in keeping with the provisions for posting public notices set out in a local government’s **procedure bylaw**. [CC, section 124(e)]

Local governments need to carefully consider the publication date of the second required notice because that date ultimately determines the deadline for receiving elector response forms at the conclusion of the AAP.

Local governments can provide *additional notices* on the Internet or by other electronic means. [CC, section 94(7)]

Alternate Means of Publication [CC, section 94(4)]

In some cases, there may not be locally circulated newspapers in which to publish the notices to meet the two consecutive week publication requirement. Where it is not practical or possible to publish the notices, local governments may give the AAP notice by alternative means – as long as the required timeframe and frequency set out in legislation are met and council or the regional district board determine the alternate means is reasonably equivalent to the newspaper publication requirements.

Where newspaper publication is not practicable and local governments choose to distribute the notice directly (e.g. delivered by mail or by hand) to individual eligible resident and non-resident property electors, the notice only has to be distributed once. [CC, section 94(5)]

Notice Content [CC, section 86(2)]

The required notices must contain the following, the:

- general description of the matter (e.g. agreement, boundary proposal, purchase of parkland, or borrowing for road construction) to which the approval process relates;
- description and/or the area to which the AAP applies (e.g. map);
- deadline for elector responses;
- statement that the local government will proceed with the matter unless, by the deadline date, at least 10% of eligible electors indicate that the municipal council or regional district board must obtain the elector approval by assent vote;
- statement that:
 - elector response forms must be submitted in the form established by the local government;
 - elector response forms are available at the local government office(s);
 - the only persons entitled to sign the forms are the eligible electors of the area to which the AAP applies;

- the number of elector responses required to prevent the local government from proceeding without the assent (**a vote**) of the electors; and,
- other information required by regulation to be included.

When the AAP is for a regional district **service area bylaw**, the required notices [LGA, sections 801.3(2)] must also include a copy of the bylaw *or* a synopsis that:

- describes the intent of the bylaw in general terms;
- describes the proposed service area; and,
- indicates the date, time and place for public inspection of copies of the bylaw.

Response Submission Process [CC, section 86(7)]

Elector response forms must be submitted to local government **Corporate Officers** within the timeframe established for the AAP – at least 30 days from the day on which the second notice was published.

Eligible electors can sign and submit an elector response form or the signed forms may be submitted by an individual on the eligible elector’s behalf. However, an eligible elector may only sign one response form in relation to a given AAP. When a property is owned by more than one registered owner, only one owner can sign the elector response form and that owner must have the written consent of the majority of the other registered property owner(s). [LGA, section 51(6)]

The Corporate Officer is responsible for the safe-keeping of the elector response forms throughout the AAP.

Local governments may decide to establish a process or procedure that includes how the forms are received, date-stamped and secured for the Corporate Officer’s access only, regardless of who receives the forms at the local government offices.

Privacy Concerns

In those cases where a local government has chosen to use a petition-style form, an eligible elector would be permitted to make an accurate copy of that form and submit it. [CC, section 86(6)(7)]

In some cases an Acting Corporate Officer or Deputy Corporate Officer may be designated by the municipal council or the regional district board to receive forms on the Corporate Officer’s behalf.

Elector response forms can be submitted in-person or sent by mail to local government offices. The submitted form can be counted as long as it was signed by an eligible elector and received before the established deadline.

Mailed-in forms date-stamped by Canada Post before the deadline and received after the AAP deadline has passed *cannot* be counted. Anyone may deliver signed response forms to the Corporate Officer – there is no requirement that the person who delivered the form to the local government offices be an eligible elector.

Local governments may choose to allow electors to submit response forms by e-mail or by fax. These types of submissions are not covered by provincial legislation, and any policies related to electronic submissions would best be set out by local governments in a formal policy document. This policy may also set out certain provisions around electronic submissions, including a requirement that an original signed response form be submitted to the Corporate Officer as soon as reasonably possible after the electronic submission was sent.

Any policy regarding electronic submissions would need to be stated on the elector response form.

Local governments that implemented such a policy would need to ensure that only one response was counted for those electors that submitted both the electronic and original signed forms.

An elector can submit their form at the local government offices until the close of business on the last day established for receiving the forms.

There may be times when an elector who has submitted a signed response form to the Corporate Officer changed their opinion about the proposed bylaw and wishes to withdraw their objection to the matter (e.g. lease of forest reserve land).

Signing an elector response form during an AAP is not subject to the same legislative requirements as casting a **ballot** in a **general local election, by-election or assent vote**. Therefore, an elector would be entitled to receive their elector response form back or have their name struck from the petition-style list used for the AAP prior to the deadline date.

Local governments may choose to set out certain requirements that establish the identity of the elector (e.g. requiring personal identification or require the request be made in writing) to ensure the correct form was returned to the elector or that the correct name was struck from the petition-style list.

When local governments have received a large number of response forms early in the AAP, the Corporate Officer may wish to verify that the forms submitted are valid and keep a running total. This can minimize the time needed to certify the results following the submission deadline.

Corporate Officers may choose to notify the elected officials when the required 10% threshold was reached before the submission deadline. Council or the regional district board would then be in a position to begin planning their course of action once the AAP deadline had passed – to hold an assent vote or not to proceed with the matter (e.g. establish a fire protection service).

Only the Corporate Officer, or their designate, can review or verify elector response forms during an AAP.

The information provided by the Corporate Officer may be particularly useful to elected officials if the matter proposed in the bylaw had critical timelines related to seasonal construction, procurement decisions or timelines associated with **long-term borrowing** through the Municipal Financing Authority.

Determining the Result [CC, section 86 (8)(9)(10)]

Corporate Officers must determine, on the basis of the elector response forms received by the deadline, whether the form was signed by an eligible elector and ensure that the elector signed only one form during the AAP. Corporate Officers are also responsible for certifying whether the elector approval was received – their determination is final and conclusive.

Corporate Officers need not review and certify individual elector response forms to determine the AAP result when the number of forms submitted by the deadline established for the AAP is below the 10% threshold.

When the number of elector response forms submitted by the AAP deadline reaches or exceeds the 10% threshold, Corporate Officers must review and certify the individual forms to determine the form was signed by an eligible resident or non-resident property elector.

A elector response form must be rejected when:

- the elector signed more than one form;
- the elector is determined to be ineligible;
- more than one non-resident property elector signed a form in relation to the same property; or,
- a non-resident property owner signed a form in relation to a property owned in whole or in part by a corporation.

The legislative requirements related to tabulating responses during an AAP are different than those required for a **general local election** or a **by-election**. An AAP is not a **vote** and therefore there are no provisions to allow for scrutineers to be appointed to verify the acceptance or rejection of response forms by the Corporate Officer.

[CC, section 86(8)]

A non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified by the *Local Government Act*, any other Act, or the Courts from voting in a general local election.

The Corporate Officer may be assisted in the review of elector response forms by other local government employees.

Those employees would need to be familiar with the elector eligibility requirements and be respectful of the personal information contained on the forms

Elector approval of the matter (e.g. to enter into a liability under agreement, change municipal classification, or grant a franchise) would be obtained if less than 10% of the estimated number of eligible resident and non-resident property electors signed an elector response form prior to the AAP deadline. See Schedule J – *Sample of Corporate Officer’s Certification of Alternative Approval Process Results*.

Only the Corporate Officer can certify and determine the AAP results. The Corporate Officer’s determination is final and conclusive.
[CC, section 86(9)]

A resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified by the *Local Government Act*, any other Act, or the Courts from voting in a general local election.

Reporting Results [CC, section 86(8)]

Corporate Officers are not required to certify and report out the results of the AAP within a specific timeframe. However, the announcement needs to occur as soon as reasonably possible after the Corporate Officer has determined and certified whether elector approval has been obtained.

There is no legislated requirement that Corporate Officers report the percentage of elector responses received during the AAP. The legislation only requires Corporate Officers to certify and determine the result of the AAP on the basis of the number of elector response forms received before the deadline and whether the proposed matter received elector approval.

Councils and regional district boards may direct the Corporate Officer to report the:

- total number of elector response forms submitted by eligible electors;
- number rejected by the Corporate Officer; and,
- percentage of elector response forms determined as valid.

After the AAP

Local governments may choose to conduct assent voting even when the number of verified responses is under the 10% threshold. A close result in an AAP can indicate a significant level of public interest, and assent voting can offer citizens a sense of greater certainty around a local government's decision to borrow, provide a new regional district service, or extend the municipal boundary.

Electoral Approval Obtained (less than 10%)

Local governments may proceed with the proposed matter when less than 10% of the eligible electors signed and submitted elector response forms by the AAP deadline. This means that local governments may adopt the bylaw or proceed with the matter that was the subject of the AAP. Local governments are not obliged to proceed with the bylaw or the matter after receiving elector approval and/or Inspector's approval (if required).

Local governments have the option of choosing to conduct assent voting, or not proceed with the bylaw, if the AAP results are close to the 10% threshold.

Certain bylaws (e.g. loan authorization) require a **Certificate of Approval** from the Inspector before local governments can borrow the necessary funds associated with the matter set out in the bylaw through the Municipal Finance Authority (e.g. purchase land construct a fire hall, or build a water treatment plant). [LGA, section 1022]

Electoral Approval Not Obtained (10% or More)

Local governments do not have the immediate authority to adopt the bylaw or proceed with the matter (e.g. borrowing for water system upgrades) where 10% or more of the eligible electors in an AAP signed and submitted an elector response form prior to the established deadline.

When 10% or more of the electors have signed and submitted an elector response form, and the local government has decided to proceed with the matter, they must hold an assent vote. Proceeding to assent voting must occur no later than 80 days after the deadline established for submitting elector response forms during the AAP. [LGA, section 162(2)(b)]

Document Retention and Freedom of Information and Protection of Privacy [FIPPA, Part 3]

The *Community Charter* and the *Local Government Act* do not specify the length of time local governments are required to retain the elector response forms submitted during an AAP.

Local government document retention policies may set out the manner in which and length of time elector response forms would be kept after a given AAP.

While local governments must provide public access [CC Section 95, 97] to many of their records, such as bylaws, council and meeting minutes and the annual municipal report, they are also subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA). Local governments must ensure the elector response forms and the personal information they contain adhere to the requirements of FIPPA. [FIPPA, Part 3]

No one other than the Corporate Officer may review or otherwise access the elector response forms during, or following an AAP. The forms must be maintained in the manner set out in the *Freedom of Information and Protection of Privacy Act*

Frequently Asked Questions

Q: *When a corporation owns all or part of a property, can an elector response form be submitted on behalf of the property owner(s) as either resident or non-resident property elector?*

A: **No.** Eligibility to submit elector response forms for an AAP parallels eligibility to vote in general local elections. There is no business or corporate vote in British Columbia, therefore when a corporation owns all or part of a property, even if it is in the minority or owns that property with an individual who is otherwise eligible to submit an elector response form, no one may submit an elector response form in relation to that property.

Q: *Can local governments cancel the AAP while in process and proceed with an assent vote?*

A: **No.** When a local government has initiated an AAP and decides part way through that an assent vote is more appropriate – such as in cases where the 10% threshold is reached early in the AAP – the local government must still complete the AAP. However, the local government may incorporate insight into public opinion obtained during the AAP into decision-making on whether to proceed to an assent vote.

Q: *If 10% or more of electors sign a response form and the local government decides to proceed to an assent vote, is the local government required to seek Inspector of Municipalities (Inspector) approval for a bylaw again?*

A: **No.** The local government is not required to seek Inspector approval again.

Q: *Can an elector withdraw an AAP response form after it was submitted to the local government?*

A: **Yes.** An elector can ask the Corporate Officer to return their response form or to have their name removed from the petition-style form prior to the AAP deadline. An elector can no longer withdraw their form or have their name removed from the petition-style form after the AAP deadline has passed.

Q: *Can the number of responses received while the AAP is underway be released to the public?*

A: Releasing this information could alter the outcome of the AAP, as electors may base their decision on the number of response forms already submitted and whether the 10% threshold has been met. The appropriate time to release the number of elector responses is after the deadline for submissions has passed and the Corporate Officer has certified the results.

Q: *Who can access and/or review the elector response forms during or after the AAP?*

A: Only the Corporate Officer, or their designate, can review and certify elector response forms during an AAP. The Corporate Officer is responsible for the safe-keeping of the elector response forms throughout, and after, the AAP. Local governments must retain elector response forms as per requirements established in the *Freedom of Information and Protection of Privacy Act* (FIPPA, Part 3) after the AAP has been completed.

Q: *When determining deadlines in relation to AAPs, are weekends and holidays counted?*

A: **Yes.** All days are counted as per the *Interpretation Act*. Under the *Interpretation Act* rules for counting time, the day the second notice is published and the deadline date itself *do not count* as part of the 30 day minimum requirement. An AAP can therefore not be completed in less than 32 days.

- Q:** *Can elector response forms be submitted by electronic means?*
- A:** **Yes.** Local governments can allow elector response forms to be submitted by electronic means, such as by fax or email. It is best to establish and set out any related requirements in a formal policy document. If local governments intend to accept electronic submissions in accordance with their policy, this information should be present on the elector response form. Local governments may also require that the original, hardcopy of forms sent electronically also be submitted.
- Q:** *What are the alternative means of advertising for an AAP?*
- A:** Local governments may undertake providing notice through alternative means if publication in a locally circulated newspaper is not practicable. Alternative means could include any type of notice that the council or regional district board believes will adequately reach the electorate, such as online advertising, open houses, direct mailing and/or public meetings.
- Q:** *Are local governments allowed to spend taxpayers' money promoting the bylaw that is subject to an AAP?*
- A:** **Yes.** Local governments may advertise and communicate information about the proposed bylaw including placing radio and newspaper ads, writing internet articles or posting notices throughout the community. Although information-sharing and advertising are permitted, councils and regional district boards would need to give consideration to the public perception of expending public funds and staff resources to promote a particular viewpoint during an AAP. Councils and regional district boards that engage in promotional activities that are seen as biased, will likely face questions from the public about whether or not the AAP process was fair.
- Q:** *How long does a local government have to hold an AAP after receiving Inspector of Municipalities approval of a bylaw?*
- A:** Local governments that have received Inspector of Municipalities approval may initiate the AAP at any time. However, an AAP cannot be held before a local government receives Inspector approval.
- Q:** *How early can a local government begin advertising for an AAP?*
- A:** Local governments must not publish the two required AAP notices until after Inspector of Municipalities approval has been granted. However, a local government can provide general information to electors about the initiative under consideration in the AAP at any time.
- Q:** *Can the 30-day period for receiving elector response forms be extended after the public notices have been published?*
- A:** **No.** The 30-day period cannot be extended once the required notices have been published.
- Q:** *Can signs, for or against, the AAP be posted in public places?*
- A:** **Yes.** Local governments generally establish bylaws to regulate the size, placement, maintenance and removal of signs within the community. Any signs or posters used during an AAP must comply with the applicable local government bylaw. The Ministry of Transportation and Infrastructure (MoTI) regulates sign placement along provincial highways, medians, bridges and major roadways. Therefore, signs placed on MoTI property must comply with provincial regulations.

Glossary

Assent Voting (formerly Other Voting/Referendum)

Voting on a bylaw or other matter for which a local government is required to obtain elector assent under Part 4 of the *Local Government Act* or Part 2 of the *Vancouver Charter*. Elector assent is obtained when a majority of the votes (50%, plus 1) are in favour of the bylaw or other matter.

Ballot

A ballot is a paper document listing potential choices available to eligible electors in a general local election, by-election, assent voting opportunity or other electoral process where electors indicate their preferred choice.

By-election

An election held between general local elections to fill a vacancy that occurred due to the death, disqualification or resignation of a municipal council or regional district board member, school trustee or Islands Trust local trustee.

Bylaw

A bylaw is a law or regulation passed by a local government to regulate or provide a service in areas under local jurisdiction, as specified under the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*.

Certificate of Approval

A Certificate of Approval (C of A) is a document signed by the Inspector of Municipalities (Inspector) certifying that all of the legislative and/or Ministry requirements in relation to a specific loan authorization, security issuing (regional districts only) or, a bylaw imposing a special assessment or special rate under any Act have been met by the local government.

Corporate Officer

An individual appointed by a municipal council or regional district board that is responsible for: ensuring accurate meeting minutes are prepared; ensuring access is provided to records of council or board committees; administering oaths and taking affirmations, affidavits and declarations; certifying copies of bylaws; accepting notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the council or board; and, keeping the corporate seal and affixing it as required.

Elector

An individual who is a resident elector or non-resident property elector and who is qualified to vote in a municipal, regional district, Islands Trust, local community commission or park board election, assent voting opportunity, or to sign an elector response form during an AAP.

A resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction for at least 30 days; live or own property in the area defined for the AAP; and, not be disqualified by the *Local Government Act*, any other Act, or the Courts from voting in a general local election.

Elector Approval

Approval of the electors under the *Community Charter* or the *Local Government Act* in relation to a proposed bylaw, agreement or other matter which may be obtained by a vote (elector assent) or by conducting an AAP.

Elector Assent

Assent of the electors under the *Community Charter* or the *Local Government Act* in relation to a proposed bylaw, agreement or other matter may be obtained by providing assent voting (other voting/referendum).

Elector Response Form

Elector response forms are submitted by eligible electors to the Corporate Officer as part of the AAP to indicate that the local government may not proceed with the proposed bylaw unless it is approved following an assent vote. The elector response form can be a single form to be signed by an individual elector or a longer petition-style form that can be signed by multiple electors.

Electoral Area

Electoral areas are those areas within a regional district that do not fall within a municipal boundary.

General Local Election

A collective reference to the elections conducted throughout the province every four years for the: mayor and councillors of a municipality; electoral area directors of each regional district; commissioners of each local community commission that uses a four-year term; commissioners of each park board; local trustees of each area in the Islands Trust; and, school trustees of each board of education.

Inspector of Municipalities (Inspector)

The Inspector of Municipalities is an officer appointed by the Lieutenant Governor in Council and is attached to the office of the minister responsible for the local government system. The Inspector is designated a variety of approval functions under the *Community Charter*, *Local Government Act*, and *Vancouver Charter*, including statutory approvals related loan authorization bylaws and service establishment bylaws.

Local Government

Local governments in British Columbia consist of 162 municipalities (villages, towns, cities, districts) and 27 regional districts. Every municipality (except the Northern Rockies Regional Municipality) in B.C. is located within a regional district boundary.

Long-term Borrowing (Loan Authorization)

Long-term borrowing undertaken by local governments to incur a liability by borrowing for any purpose of a capital nature; lending to any person or public authority under an agreement; guaranteeing repayment of the borrowing, or providing security for the borrowing, of a person or public authority, if this is provided under an agreement with the person or public authority requires elector *approval* (*Community Charter*, s. 179).

Local governments must undertake long-term borrowing through the Municipal Finance Authority. In almost every circumstance, in order to undertake long-term borrowing, local governments must obtain *approval* from both the Inspector of Municipalities and the electorate (*Local Government Act*, s. 823).

Municipality

A local government area represented by a mayor and councillors elected to serve on a municipal council. A municipality provides services within a defined geographic area.

Municipal Council (Council)

The governing body of a municipality composed of a mayor and several councillors. A municipal council has between five and eleven members – the number of councillors depends on the population of the municipality. All municipal council members are elected during a general local election unless elected at a by-election held to fill a council vacancy.

The municipal council is a decision-making body and is responsible for setting the strategic policies and priorities for the local government – municipal councils do not implement policies and decisions.

Non-resident Property Elector (for AAP purposes)

An individual that does not live in a jurisdiction and who is entitled to vote in a general local election, by-election, or assent voting opportunity and can sign an elector response form during an AAP by virtue of owning property in the area defined for the AAP.

When signing an elector response form during an AAP, a non-resident property elector must:

- be at least 18 years of age;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- own property in the area defined for the AAP; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Procedure Bylaw

Local governments adopt a procedure bylaw that:

- establishes rules of procedure for council meetings, including the manner by which resolutions may be passed, and the manner by which bylaws may be adopted;
- establishes rules of procedure for council committee meetings;
- provides for the taking and certifying of minutes at council and council committee meetings;
- establishes procedures for giving advance public notice of council and council committee meetings;
- identifies posting places for public notices issued by the municipality;
- establishes the procedure for designating a council member as the acting mayor; and,
- identifies the day for the first regular council meeting following a general local election.

Referendum

See entry for “assent voting”

Regional District

A local government area represented by elected, and/or, appointed representatives serving on a regional district board. A regional district provides local government services within a defined geographic area which may consist of municipalities and/or unincorporated electoral areas.

Regional District Board

The regional district governing body composed of electoral area elected representatives and appointed representatives from the municipal councils within the regional district.

Resident Elector (for AAP purposes)

An individual who is entitled to vote in a general local election, by-election, or assent voting opportunity and can sign an elector response form during an AAP by virtue of living within the area defined for the AAP.

When signing an elector response form during an AAP, a resident elector must:

- be 18 years of age or older;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- live in the area defined for the AAP; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Service Area Bylaw

Service area bylaws establish and define services within regional district electoral areas and/or municipalities. Service area bylaws outline the specific service(s) to be provided, define the area within which the service will be provided, and establish cost-recovery mechanisms to fund the service.

Statutory Approval

An approval that indicates the Inspector of Municipalities, a Minister, or Lieutenant Governor in Council has determined that specific requirements in the *Community Charter* and/or *Local Government Act* have been met by the local government. A bylaw must receive statutory approval before the local government can proceed with an AAP.

Vote

A vote is an opportunity for eligible electors to cast a ballot in favour of a bylaw or other matter. This process is also known as assent voting. If more than 50% of the electors are in favour of the question on the ballot, the local government can then proceed with the bylaw/project.

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Schedule A – Local Government Decisions Requiring Elector Approval (Elector Assent)

Amalgamation of Municipalities

Assent of the electors in each municipality must be obtained separately before the Minister can recommend amalgamation of the municipalities to the Lieutenant Governor in Council (*Local Government Act*, s. 8(1)).

Development Works Agreements with Private Developers

Elector *assent* is required before a municipality can adopt a bylaw to enter into an agreement with a developer for the provision of certain amenities such as water, sewer, or parkland (*Local Government Act*, s. 937.1(4)).

Disposal of Certain Utilities other than a Water or Sewage System

Local governments must have elector *approval* (*Community Charter*, s. 28 and *Local Government Act*, s. 190) before disposing of works related to:

- the supply and distribution of gas or electrical energy;
- a transportation system; and,
- a telephone system, closed circuit television system or television rebroadcasting system.

Disposal of a Water or Sewage System

A local government must have elector *assent* (*Community Charter*, s. 28 and *Local Government Act*, s. 190) before disposing of works related to the:

- supply, treatment, conveyance, storage and distribution of water; and,
- collection conveyance, treatment and disposal of sewage.

Enlargement or Reduction of Local Area Service

Enlarging or reducing the boundary of a municipal local service area requires petition, council initiative or *assent* of the electors in the area to be included or excluded (*Community Charter*, s. 218).

Exchange or Other Disposal of Parkland

A local government must receive elector *approval* when disposing of parkland or using parkland in a land exchange (*Community Charter*, s. 27 and *Local Government Act*, s. 304).

Exclusive or Limited Franchises Agreements

Elector *approval* is required (*Community Charter*, s. 22), before a municipality enters into an agreement granting an exclusive or limited franchise (maximum of 21 years) in relation to:

- public transportation system;
- water supply system;
- sewage system; or,
- gas, electrical or other energy supply system.

Fluoridation

Elector *assent* is required before a bylaw can be adopted introducing fluoride into a local government's water system (*Community Charter*, s. 68 and *Local Government Act*, s. 523).

Heritage Properties – Tax Exemptions

A regional district may exempt an eligible heritage property from taxes for up to ten years if elector *approval* is obtained (*Local Government Act*, s. 810).

Liabilities Under Agreement

When a local government enters into an agreement of over five years or an agreement that could exceed five years by renewals or extensions, and where the liability is of a capital nature or loan guarantee, elector *approval* is required (*Community Charter*, s. 175, *Local Government Act*, s. 819, *Municipal Liabilities Regulation*, s. 6 and *Regional District Liabilities Regulation*, s. 2).

Local Community Commission

Elector *assent* is required before a regional district can adopt the bylaw to create a local community commission (*Local Government Act*, s. 838).

Local Area Service

Local area service bylaws can only be adopted once a municipality receives elector *approval* by petition, council initiative or by conducting a vote (*Community Charter*, s. 211).

Long-term Borrowing (Loan Authorization)

Long-term borrowing undertaken by local governments to incur a liability by borrowing for any purpose of a capital nature; lending to any person or public authority under an agreement; guaranteeing repayment of the borrowing, or providing security for the borrowing, of a person or public authority, if this is provided under an agreement with the person or public authority requires elector *approval* (*Community Charter*, s. 179).

Merging Local Area Services

Elector *approval* is required before the municipality can adopt the bylaw merging two or more local area services (*Community Charter*, s. 219).

Municipal Boundary Extension

A municipality must obtain elector *approval* as part of the municipal boundary extension process (*Local Government Act*, s. 20).

Municipal Classification

Elector *approval* is required as part of a municipality's request for provincial approval to change its classification (*Local Government Act*, s. 18).

Municipal Forest Reserve – Establishment

Elector *assent* is required before a bylaw to establish a municipal forest reserve can be adopted (*Local Government Act*, s. 306).

Municipal Forest Reserve – Sale or Lease

Elector *approval* is required before the adoption of a bylaw to lease or remove land from a municipal forest reserve can be adopted (*Local Government Act*, s. 307).

Municipal Incorporation

Elector *assent* is required to determine if eligible voters are in favour of municipal incorporation before the Minister can recommend incorporation to Lieutenant Governor In Council. (*Local Government Act*, s. 7, 8).

Reducing the Size of Council

Elector *assent* is required to reduce the size of a municipal council (*Community Charter*, s. 118).

Removing Reserved or Dedicated Property

Local governments must receive elector *approval* before a bylaw to remove a reservation or dedication of property owned by a local government (e.g. park, public square, or heritage site) can be adopted (*Community Charter*, s. 30 and *Local Government Act*, s. 302).

Regional District Service Area Bylaws

Electoral *approval* is required for regional district service area establishment bylaws (*Local Government Act*, s. 797.3, 797.4, 797.5, 801, 801.2, 801.3).

Riparian Properties – Tax Exemption

Electoral *approval* is required before a regional district may exempt eligible riparian property from taxes for up to ten years (*Local Government Act*, s. 811).

Unexpended Funds

When a local government has surplus funds after borrowing and paying for a specific service or project, these funds may be used for other purposes provided electoral *approval* is obtained (*Community Charter*, s. 190 and *Local Government Act*, s. 814 (3)).

Schedule B – Local Government Decisions or Actions that can be Conducted by AAP
(Quick Reference Table)

Local Government Decisions or Actions that can be Conducted by AAP	
Decision or Action	Applies to:
Boundary extension	Municipality
Change municipal classification	Municipality
Disposal of certain utilities other than water or sewage system	Municipality and regional district
Exchange or other disposal of parkland	Municipality and regional district
Grant a franchise	Municipality
Heritage property tax exemption lasting one to ten years	Regional district
Liabilities under agreement (including P3s)	Municipality and regional district
Loan authorization bylaw (long-term borrowing)	Municipality and regional district
Remove reservation or dedication of land (park, public square or heritage)	Municipality and regional district
Riparian property tax exemption lasting one to ten years	Regional district
Sale or lease of forest reserve	Municipality
Service area bylaws	Regional district
Unexpended funds	Municipality and regional district

Schedule C – Sample Report for Determining Number of Eligible Electors

(Name of Local Government)

Alternative Approval Process

The purpose of this report is to show the basis for determining the total number of electors in relation to (bylaw or resolution number and date) that is the subject of an alternative approval process.

Section 86(3)(c) of the *Community Charter* requires the council to make a fair determination of the total number of electors of the area to which the approval process applies. In addition, the council must make available to the public, on request, a report respecting the basis on which the determination was made.

The number of people eligible to be a *resident elector* or a *non-resident property elector* is determined based on those individuals who *when signing an elector response form*:

- are 18 years of age or older;
- are a Canadian citizen;
- have lived in British Columbia for at least six months;
- have lived or owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- live, or own property in the area defined for the AAP; and,
- are not disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

The estimated number of eligible electors ***within the area defined for the AAP*** is based on information from various sources as indicated below, is calculated as follows:

1. Estimated population _____
 2. Estimated number of people 18 years of age or older _____
 3. Minus number of people estimated as not being Canadian citizens _____
 4. Minus the number of people who are estimated not to be residents of British Columbia for the past six months _____
 5. Minus the number of residents who are estimated to have moved out of the jurisdiction in the past 30 days _____
 6. Add the number of residents who are estimated to have moved into the jurisdiction in the past 30 days _____
- Add estimated number of non-resident property electors _____
- Estimated total number of eligible electors in the area defined for the AAP =====
- Ten percent of the total number of eligible electors is estimated to be: _____

1. The total estimated population of the jurisdiction was derived from information obtained from _____ that was prepared on _____, 20____. The rate of population growth for the jurisdiction is estimated to be ___% by (year). Therefore, the estimated population is calculated as: _____
2. The estimated number of people 18 years of age or older is ___% of the population based on information from the same source. Therefore, the population estimated to be older than 18 is calculated as: _____
3. The number of people estimated as not being Canadian citizens is estimated to be ___% based on information received from _____ that was prepared on _____, 20 _____. Therefore, this number is being subtracted from the calculation in #2.
4. The number of people who are estimated not to be residents of B.C. for the past 6 months due to immigration/movement records obtained from _____ that was prepared on _____, 20 ____ is estimated to be _____. Therefore, this number is being subtracted from the calculations in #3.
5. The number of residents who are estimated to have moved out of the jurisdiction in the past 30 days based on immigration/movement records obtained from _____ that was prepared on _____, 20____ is estimated to be _____. Therefore, this number is being subtracted from the calculations in #4.
6. The number of residents who are estimated to have moved into the jurisdiction in the past 30 days based on immigration/movement records obtained from _____ that was prepared on _____, 20 ____ is estimated to be _____. Therefore, this number is being added to the calculations in #5.
7. The number of non-resident property electors is estimated to be _____ based on information received from _____ that was prepared on _____, 20 _____. Therefore, this number is being added to the calculation listed in #6.

Approved by a resolution passed by the (council or board) at an open meeting held on the __day of ____, 20____.

Schedule D – Process Documents and Sample Bylaws

The Ministry of Community, Sport and Cultural Development has developed, in partnership with the Municipal Financing Authority (MFA), a series of documents and samples to assist local governments to draft financial bylaws. These process documents and sample bylaws are available online at www.mfa.ca.

Local governments must submit completed documents to the Ministry for review and/or approval.

Municipal	Regional District
Process Documents	
Municipal Borrowing Process	Regional District Borrowing Process
Ministry Requirements at 3rd Reading	Corporate Officers Certificate LA1
Corporate Officers Certificate LA1	Corporate Officers Certificate LA2
Corporate Officers Certificate LA2	RD Security Issuing Bylaw
Municipal Security Issuing Resolution	Corporate Officers Certificate SI
Municipal Borrowing Process	Regional District Borrowing Process
Sample Bylaws	
Loan Authorization Bylaw Sample	RD LA Bylaw Sample
Ministry Requirements at 3rd Reading	Corporate Officers Certificate LA1
Corporate Officers Certificate LA1	Corporate Officers Certificate LA2
Sample Short-term Capital Bylaw	Sample Short-term Capital Bylaw
Sample Revenue Anticipation Bylaw	Sample Revenue Anticipation Bylaw
Sample Temporary Borrowing Bylaw	Sample Temporary Borrowing Bylaw

Ministry of Community, Sport and Cultural Development

Local Government Division

Governance and Structure Branch

Advisory Services

PO Box 9839 Stn. Prov. Govt.

Victoria, B.C. V8W 9T1

Phone: 250 387-4020

Website: www.cscd.gov.bc.ca/lgd/contacts/department.htm

Schedule E – Sample Municipal Council/Regional District Board Resolution

(Name of local government)

Alternative Approval Process

WHEREAS the (municipal council/regional board) has given three readings to “ (bylaw name and number) ” which proposes that a (service or purpose) and a debenture not to exceed \$ (amount) be obtained to finance (service or purpose) which will be repaid over a period not to exceed (term));

AND WHEREAS the (municipal council/regional board) cannot adopt (bylaw number) ” until the approval of the electors has been obtained;

THEREFORE BE IT RESOLVED that the Corporate Officer undertake an alternative approval process to determine the opinion of the electors with regard to the matter.

AND THAT IT BE FURTHER RESOLVED that a (number of days) for submitting receiving elector response forms is established.

Moved by (name of council/board member)

Seconded by (name of council/board member)

Carried.

Dated this _____ day of _____, 20_____

Schedule F – Sample Elector Response Form (Single Elector Response)

(Name of local government)

Electors Response Form

By completing this elector response form I oppose the (municipal council/regional board) intention to adopt (bylaw name and number) which authorizes the borrowing of up to \$ (amount) to be repaid over a period not exceeding (term)s in order to finance the costs of (service or purpose), unless a vote is held.

Full name of elector _____ *(please print)*
(e.g. Donald Smith – not D. Smith)

Signature _____

Address _____

- Choose one: I am a resident elector (see reverse for eligibility requirements)
- I am a non-resident property elector who lives in another community and owns property in the jurisdiction located at: _____ (address)
(see reverse for additional eligibility requirements)

The deadline for submitting this elector response form to the local government is ___ p.m. on _____, 20 ____ . The address is _____ *(address)*

Phone: _____

Facsimile: _____

E-mail: _____

If submitting this form to the local government by facsimile, please ensure that the transmission was completed.

The (municipal council or regional district board) may proceed with the adoption of (bylaw name and number) unless ____ electors sign and submit a completed copy of this elector response form to the local government by the deadline.

A person must not sign more than one elector response form in relation to this alternative approval process.

Additional information can be found on the reverse side of this form (or attached information sheet) about the subject of this alternative approval process as well as the elector qualifications.

Schedule H – Sample Information Sheet

(Name of Local Government)

Sample Information Sheet

The (council or board) intends to adopt “ (bylaw name and number) .” The purpose of the bylaw is to borrow an amount not to exceed \$ (amount) to finance the cost of (service or purpose) that will be repaid over a period not to exceed (term) . It is estimated that the borrowing will result in a tax increase for the average residential property of \$ (amount) per year. (brief summary or background about the service or purpose)

A copy of (bylaw name/number) and a report summarizing the project is available from the local government’s offices during each business day of the week between ___ a.m. and ___ p.m. Further information about the (service or purpose) will be available at a public information meeting to be held at (time) on (date) at the (location) .

Additional Information About Elector Eligibility

In order to sign an elector response form in relation to the alternative approval process, a person must either be a resident elector or a non-resident property elector.

A **resident elector** is an individual who is entitled to sign an elector response form during an AAP by virtue of living within that jurisdiction. *When signing an elector response form*, a resident elector must:

- be 18 years of age or older;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- live in the area defined for the AAP; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

A **non-resident property elector** is an individual that does not live in a jurisdiction and who is entitled to sign an elector response form during an AAP by virtue of owning property in that jurisdiction. *When signing an elector response form*, a non-resident property elector must:

- be at least 18 years of age;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- own property in the area defined for the AAP; and,
- not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

Schedule I – Sample Public Notice

(Name of Local Government)

Notice to Electors of an Alternative Approval Process

This notice is the (first/second) of two notices to advise electors in the (name of local government) of the intention to adopt "(bylaw name and number)". The purpose of the bylaw is to borrow an amount not to exceed \$ (amount) to finance the cost of a (service or purpose of borrowing or spending) that will be repaid over a period not to exceed (term). It is estimated that the borrowing will result in a tax increase for the average residential property of \$ (amount) per year. The (service or purpose) will (summary of service function or project benefits for the community). A copy of Bylaw (number) and a summary of the proposal are available from the local government's offices during each business day of the week between ___ a.m. and ___ p.m.

The (council or board) proposes to borrow the money and undertake the (service or purpose) unless, by ___ p.m. on _____, 20____, at least 10 percent of the electors in the (whole municipality/regional district) or (portion of the municipality/regional district described here or by an attached map) sign an elector response form opposing the implementation of the proposal unless the municipal council/regional district board holds a vote.

The number of elector responses required to prevent the local government from proceeding unless a vote is held is estimated to be _____. A report respecting the basis on which this determination was made is available upon request from the local government.

Elector responses are required to be submitted to the local government on forms that can be obtained during regular business hours from the (name of local government) offices, any branch of (list alternative locations where forms can be obtained). The form can also be downloaded from the (name of local government)'s website at: (website name). The only elector response forms that will be accepted by the local government are the ones provided by the (name of local government), or an accurate copy of the form.

Only electors of the (name of local government) are eligible to sign the elector response forms. There are two types of electors – resident electors and non-resident property electors.

Resident Elector: *When signing* an elector response form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-resident Property Elector: *When signing* an elector response form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

Resident electors signing the elector response form must provide their name and address.

Non-resident property electors must provide their name and the address of the property in relation to which they are entitled to register as a non-resident property elector. The local government will not share the information on the form with anyone other than the Corporate Officer, or other person designated by the Corporate Officer.

For more information on elector qualifications, please contact the (name of local government) or see the *Voter's Guide to Local Government Elections in B.C.*, available from the Ministry of Community, Sport and Cultural Development or online at: http://www.cscd.gov.bc.ca/lgd/elections_home.htm.

If this form is submitted to the (name of local government) by facsimile, please ensure that the transmission was completed.

Further information about the (proposal/project) and (bylaw) will be available during a public meeting to be held at (time) on (date) at the (location) .

For further information please contact the (name of local government) at: (phone, fax, email) .

Note:

When a regional district provides notice of an alternative approval process in relation to a service area bylaw, the notice must include the information noted above, as well as a copy of the service area bylaw, or a synopsis of the bylaw that:

- describes in general terms, the intent of the bylaw;
- describes the proposed service area; and,
- indicates the date, time and place for public inspection of copies of the bylaw.

Schedule J – Sample of Corporate Officer’s Certification of Alternative Approval Process Results

(Name of Local Government)

Corporate Officer's Certification

I, the undersigned Corporate Officer, as the person assigned responsibility for corporate administration under section 148 of the *Community Charter* (or section 198 of the *Local Government Act*), certify the results of the alternative approval process that was conducted to obtain the approval of the electors for the (bylaw name and number) or (the council or board resolution stated as “_____”) dated _____, as follows:

- _____ Estimated number of eligible electors
- _____ Number of elector response forms submitted by the deadline
- _____ Number of electors response forms rejected
- _____ Number of elector response forms accepted
- _____ Percentage of estimated electors who validly submitted elector response forms

and in accordance with Section 86 of the *Community Charter*, the approval of the electors was (obtained or not obtained) .

DATED this _____ day of _____, 20_____.

Corporate Officer

